

Message Text

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64

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 EB-07 L-03 SSO-00 /022 W

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O 232350Z SEPT 75 ZFF-4

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 0111

UNCLAS MEXICO 8350

E.O. 11652: N/A

TAGS: CPRS, MX

SUBJ: CONFISCATED AIRCRAFT

REF: MEXICO A-308; STATE 226385

ONLY IN THE CASES LISTED AS CONVENTION CASES HAS IT BEEN DETERMINED THAT THE AIRCRAFT WAS STOLEN OR EMBEZZLED. THOSE CASES LISTED IN REFERENCED AIRGRAM AS NOON-CONVENTION CASES ARE THOSE WHICH THE EMBASSY IS UNABLE TO DETERMINE WHETHER THEY WERE STOLEN OR EMBEZZLED BECAUSE THE OWNERS HAVE NOT INFORMED EMBASSY WHICH IS THE CASE.

A-308'S TOTAL OF 188 REFLECTS NUMBER OF CASES BROUGHT TO EMBASSY'S ATTENTION. SUB-TOTAL OF 151 REPRESENTS NUMBER OF CASES IN EMBASSY'S ACTIVE FILE.

1. ACTUAL CONVENTION CASES-13; POTENTIAL CONVENTION CASES CAN NOT BE DETERMINED BECAUSE OWNERS HAVE NOT INFORMED EMBASSY WHETHER AIRCRAFT WAS STOLEN OR EMBEZZLED. EMBASSY ATTEMPTING CONTACT OWNERS IN THS REGARD.

2. EMBASSY HAS BEEN INFORMED BY PRIVATE INDIVIDUALS THAT THREE OF THE AIRCRAFT PENDING RECOVERY UNDER THE CONVENTION ARE BEING USED: N-1260G UNDER THE CUSTODY OF THE SECRETARIA DE HACIENDA Y CREDITO IS BEING USED FOR CHARTERS; N-6467Y UNDER THE CUSTODY OF THE FIRST DISTRICT COURT IN HERMOSILLO IS BEING FLOWN BY THE COLONEL AT THE AIRPORT; N-9899Z UNDER THE CUSTODY OF THE ATTORNEY GENERAL HAS BEEN PAINTED IN HACIENDA COLORS FOR USE BY HACIENDA.

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3. EMBASSY HAD NO PREVIOUS RECORD OF 24 AIRCRAFT LISTED ON THE ATTORNEY GENERAL'S LIST.

4. UNKNOWN, AS OWNERS HAVE NOT INFORMED EMBASSY IF PLANE STOLEN OR EMBEZZLED.

5. 13 OF THE 151

6. YES

7. AS WE UNDERSTAND IT, IF PLANE IS STOLEN OR EMBEZZLED AND ILLEGALLY BROUGHT INTO MEXICO BUT NOT USED AS VEHICLE FOR SMUGGLING, CUSTOMS DETERMINES ITS DISPOSITION, INCLUDING POSSIBLE RETURN UNDER CONVENTION, WITHOUT COURT PROCEEDING.

8. BELIEVE ATTORNEY GENERAL WOULD WAIT FOR COMPLETION COURT PROCEEDINGS.

9. ARTICLE 199 IN RELATION WITH ARTS. 40, 41 AND 24 OF THE PENAL CODE, AND 181 OF THE FEDERAL CODE OF PENAL PROCEDURES AND ARTICLE 554 OF THE CUSTOMS CODE. THE TREATY

10. NOT TO OUR KNOWLEDGE.

11. FOREIGN OFFICE BASED ON DOCUMENTATION PRESENTED BY THE OWNER. OUR EXPERIENCE INDICATES SUCH A DETERMINATION WOULD NOT BE MADE WHILE COURT PROCEEDINGS PENDING.
JOVA

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

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